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JASON EDWARD THOMAS CARDIFF

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12 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,
Plaintiff,
vs.
JASON EDWARD THOMAS
CARDIFF,
Defendant.

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Case No. 5:23-cr-00021-JGB

**JASON CARDIFF, BRIAN
KENNEDY AND LILIA MURPHY'S
EX PARTE MOTION FOR
EXTENSION OF TIME TO FILE
JASON CARDIFF'S REPLY BRIEF
IN SUPPORT OF MOTION TO SET
ASIDE JUDGMENT AND
SURETIES' LILIA MURPHY AND
BRIAN KENNEDY'S REPLY
BRIEF IN SUPPORT OF MOTION
TO SET ASIDE OR MODIFY
JUDGMENT**

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Defendant Jason Cardiff and the Sureties, Brian Kennedy and Lilia Murpy respectfully submits this Ex Parte Application for an Extension of Time to file:

1. Defendant Jason Cardiff's Reply Brief in Support of his Motion to Set Aside Judgment, and

1 2. Sureties Lilia Murphy and Brian Kennedy's Reply Brief in Support of their
2 Motion to Set Aside or Modify Judgment.

3 3. The Government attorneys are:

4 Valerie Makarewicz,
5 1100 United States Courthouse,
6 312 Spring Street
7 Los Angeles California 90012
8 (213)894-0756

9 Manu Sebastian
10 Department of Justice
11 450 Fifth Street, N.W., Ste 6400S
12 Washington, D.C. 20001
13 (202)514-0515

14 4. On March 19, 2025, Defendant Jason Cardiff filed a Motion to Set Aside
15 Judgment. On March 20, 2025, Sureties Lilia Murphy and Brian Kennedy filed
16 a Motion to Set Aside or Modify Judgment. Both motions are currently set for
17 hearing on May 5, 2025, with reply briefs due on Monday, April 14, 2025.

18 5. Pursuant to Local Rule 7-19.1, on April 11, 2025, undersigned counsel contacted
19 both Assistant United States Attorney's via email to request the government's
20 position and to provide notice that this application would be filed. The foundation
21 for the *ex parte* motion was distilled in the email. *See Exhibit A*, Declaration of
22 Counsel. As of the time of this filing, government counsel has not responded to
23 the request for concurrence. *Id.*

24 6. This request is made for good cause and in the interest of justice. Undersigned
25 counsel is experiencing severe side effects following a recent biopsy for probable
26 cancer, including fever, chills, fatigue, and dizziness, which have rendered him
27 medically unable to work or prepare the necessary reply briefs. Counsel is
28 currently prescribed antibiotics and remains under continuing medical care but
29 has been advised to limit work activities. *See Exhibit A*, ¶2-3.

30 7. The Government filed an extensive brief in response to the two motions filed by

Cardiff and the Sureties which requires review and analysis of their authorities.

8. Due to these health conditions, counsel is currently unable to meet the current reply deadline of April 14, 2025, and respectfully requests a fourteen (14) day extension, to and including Monday, April 28, 2025.

9. Under Federal Rule of Criminal Procedure 45(b)(1)(A), “[w]hen an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion.” Rule 45 is interpreted consistently with Rule 6(b)(1) of the Federal Rules of Civil Procedure. *See United States v. Green*, 962 F.2d 938, 941 (9th Cir. 1992) (noting the court's broad discretion to extend deadlines for good cause in criminal matters). “‘Good cause’ is a non-rigorous standard that has been construed broadly across procedural and statutory contexts.” *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010) (applying good cause standard under Fed. R. Civ. P. 6(b)(1)).

10. An extension of time will not result in undue delay, nor will it prejudice the government. Rather, it will promote fairness and due process by allowing for the submission of complete and well-reasoned reply briefs on matters of significant legal consequence.

11. For the foregoing reasons, and based on good cause, Defendant and Sureties respectfully request that the Court grant an extension of time, to and including April 28, 2025 to file their reply briefs and to reset the hearing on their motions to May 19, 2025.

12. This request is not made for purposes of delay, and the brief extension is necessary to protect the rights of the parties and the integrity of these proceedings.

REQUEST FOR CONCURRENCE

13.I contacted Manu Sebastian and Valerie Makarewicz by email this morning seeking their concurrence in this motion. Mr. Sebastian had an autoreply stating

1 he was out of the office. Ms. Makarewicz has not yet responded to the request.
2 WHEREFORE, Defendant Jason Cardiff and Sureties, Brian Kennedy and Lilia
3 Murphy request an extension of time, as set out above and in their proposed Order.

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5 Dated: April 11, 2025

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By: /s/ Stephen R. Cochell
Stephen R. Cochell

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10 Attorney for Defendant
JASON EDWARD THOMAS CARDIFF

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SERVICE LIST

I HEREBY DECLARE THAT THE FOLLOWING COUNSEL HAVE BEEN SERVED WITH THIS DEFENDANT JASON CARDIFF'S NOTICE OF MOTION AND MOTION TO SUPPRESS EVIDENCE THROUGH THE COURT'S ECF OR NEXT GEN ELECTRONIC FILING SYSTEM:

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States Attorney Mack E.
Jenkins

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/S/ Stephen R. Cochell
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